

November 24, 2015

A regular meeting of the Council of the Town of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., November 24, 2015.

Members present: Mayor Robert T. Wandrei; Councilman Tim Black; Councilman Robert D. Carson; Councilman Stacey L. Hailey; Vice Mayor Steve C. Rush; Councilman Beckham A. Stanley; and Councilman James A. Vest

Members absent: None

Staff present: Town Manager Charles P. Kolakowski; Town Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

Mayor Wandrei opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Wandrei declared that the minutes of a regular Council meeting held on November 10, 2015, were approved as distributed.

Town Manager Kolakowski reported on the following:

- Saturday, November 28 is “Shop Small Business Saturday”
- Welcomed a new business in Town - Azul Restaurant on Bridge Street
- The downtown enhancement project is proceeding.
- Events scheduled for December 4: the Main Street Christmas tree lighting at 6:00 p.m. in front of the Municipal Building; carriage rides from the Farmers Market; and English Meadows (the former Elk’s Home) will have its annual lighting. The annual Christmas Parade will be held on December 5 at 11:00 a.m. The Liberty Lake Park lights will be lit this week.. The next “Second Fridays” event will be held on December 11.
- There is a request for Council to adjourn this meeting until December 1 at 5:30 p.m. to hear a presentation for the Middle School Advisory Committee and to have discussion with those representatives.

Councilman Vest expressed appreciation for the French Flags being put up after the terrorists’ attacks in Paris recently. He also commended the Public Works Department for getting the flags up so quickly.

Vice Mayor Rush, Chairman of the Economic and Community Development Committee, reported that the committee met on November 19 and earlier in the day and discussed the ordinance presented to Council at the work session along with enterprise zones and some other possible economic development incentives.

Councilman Black, Chairman of the Electric Committee, reported that the committee met on November 20. The committee received an update on the FERC ruling and the Town’s request to allow the Town to operate the Snowden Hydro Plant at reduced river flows. The committee met with John Wagner, Town Manager Kolakowski, Engineer Elvin

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Epting, A. J. Fairchild, and Operator Joe Peterson, toured the hydro facility, and reviewed the capital needs of the facility. Councilman Black said the committee is in discussions about a couple of big items as follows: the gates to the turbines - there is an issue where one side of the plant cannot be closed to work on one of the turbines; and one of the turbines needs to be rebuilt.

Councilman Vest, Chairman of the Finance Committee, reported that the committee met on November 23 and another meeting is planned for early December to go over the Snowden Hydro improvement projects that Councilman Black referred to and how possible funding might take place to cover those costs. He said the money needed is in excess of two million dollars. The committee also reviewed the regular financial reports.

Sonia Jammes, Finance Director, reviewed highlights of Finance Committee meeting: the FY 2016-2017 budget process was opened up to the department heads and the budget process closes December 10. Ms. Jammes said she will assemble all of that information, go through the proper meetings, and get that information to Council as speedily as possible. Another highlight touched on was the finance staff had meetings with American National Bank to see what the bank could provide the Town in terms of checking account rates. She said the Town gets a better deal with Carter Bank as it does not charge fees for anything. Ms. Jammes reported that the staff was able to negotiate the Wells Fargo premium account and the interest will be raised .1 percent higher than the current rate. The staff moved that Wells Fargo premium account to American National Bank. Staff is still working through the Merchant Services challenges. Ms. Jammes reported that she has been in contact with the individual who is writing the Ban Feasibility Study for the Electric Department. She believes the study will be delivered in the next week or after the holidays. Ms. Jammes said that once the study is completed, the study will be given to AMP to see if the Town is credit worthy and the Town's revenues and resources are going to be there. If approved, AMP will send the Town a step by step process of what it needs to do to get the short term financing.

Town Manager Kolakowski said Bedford Main Street, Inc. is sponsoring the 2015 Bedford Christmas Parade on Saturday, December 5, 2015, at 11:00 a.m., (rain/snow date Sunday, December 6<sup>th</sup> at 4:00 p.m.) and is requesting that Council authorize the closing of various streets for the holiday event. The streets are as follows:

From 7:00 a.m. to 1:00 p.m., Bedford Avenue Extension from 4<sup>th</sup> Street to the curve of the Recreation Field, Ashland Avenue from the curve of the Recreation Field to the Elks Home Driveway, College Street from Ashland Avenue to Peaks Street, and Mountain Avenue in its entirety.

From approximately 11:00 a.m. to 1:00 p.m., Peaks Street from College Street to North Bridge Street, North Bridge Street from Peaks Street to East Main Street, East Main Street from North Bridge Street to South Street, South Street from East Main Street to Washington Street, Washington Street from South Street to Center Street, Center Street in its entirety, West Main Street from Center Street to 4<sup>th</sup> Street, 4<sup>th</sup> Street from West Main Street to Macon Street, Macon Street from 4<sup>th</sup> Street to

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Summit Street, and Summit Street from Macon Street to the first entrance to the Winn Dixie Parking Lot.

Mr. Kolakowski said that Council was requested to close the above streets for the Bedford Christmas Parade on Saturday, December 5, 2015, at 11:00 a.m. (rain/snow date Sunday, December 6<sup>th</sup> at 4:00 p.m.).

On motion by Vice Mayor Rush, seconded by Councilman Hailey, voted upon and carried unanimously by a roll call vote, Council approved the request to close the streets for the Christmas Parade. Roll call vote follows:

Councilman Black	aye
Councilman Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Mayor Wandrei	aye

The Town Manager reported that the term of Mr. Michael Moldenhauer on the Bedford Regional Water Authority will expire on December 31, 2015. Mr. Moldenhauer has expressed a willingness to serve another term on the Authority, if reappointed by Council. The vacancy has been advertised in the local newspaper, and no other citizens have volunteered to serve. Council was requested to reappoint Mr. Michael Moldenhauer to serve a four-year term on the Bedford Regional Water Authority, said term to expire December 31, 2019.

On motion by Councilman Black seconded by Councilman Carson, voted upon and carried unanimously by a roll call vote, Council reappointed Mr. Michael Moldenhauer to serve a four-year term on the Bedford Regional Water Authority, said term to expire December 31, 2019. Roll call vote follows:

Councilman Carson	aye
Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Councilman Black	aye
Mayor Wandrei	aye

The Town Manager reported the Police Department has received complaints of people soliciting from individuals throughout the town. Currently the Police Department does not have any recourse for individuals soliciting without permission. An Ordinance has been written to address this issue. The issue addressed is immediate requesting of anything of value by any means of communication in the town to include public and private property. The Ordinance will allow solicitation if the person receives permission

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from the property owner. Mr. Kolakowski said that Council was requested to adopt the ordinance and its implementation.

Vice Mayor Rush moved that the ordinance be adopted. The motion was seconded by Councilman Hailey.

Discussion ensued with members of Council asking questions about the proposed ordinance. Chief of Police Foreman explained the complaints that have been received by the Police Department.

The Mayor said there must be another way to look at this problem and how it can be cured.

The motion to adopt the ordinance was then voted upon and carried by the following roll call vote:

Councilman Hailey	aye
Vice Mayor Rush	aye
Councilman Stanley	nay
Councilman Vest	aye
Councilman Black	aye
Councilman Carson	aye
Mayor Wandrei	nay

The ordinance follows as adopted:

#### **ORDINANCE NO 15-24**

#### **AN ORDINANCE PROHIBITING THE SOLICITATION OF CONTRIBUTIONS FROM OCCUPANTS OF MOTOR VEHICLES ON PUBLIC STREETS AND IN CERTAIN AREAS OPEN TO THE PUBLIC AND PROHIBITION OF AGGRESSIVE SOLICITATION.**

#### **BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA, AS FOLLOWS:**

Section 1. Chapter 30 of the Code of the Town of Bedford is hereby amended to provide a new Article VI as follows:

#### **Article VI: OFFENSES RELATED TO SOLICITATIONS**

Sec. 30-239. Definitions. The following words and phrases, as used in this chapter, shall have the following meanings, unless a different meaning is plainly required by the context:

(a) Solicit means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

(b) Bank means any banking corporation authorized by statute to accept deposits and hold itself out to the public as engaged in the banking business in the Commonwealth of Virginia.

(c) Automated teller machine means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(d) Public area means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

(f) Aggressive manner means and includes:

a. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent; or

b. Following the person being solicited, if that conduct is:  
(i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation; or

c. Continuing to solicit the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation; or

d. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation; or

e. Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or

f. Approaching the person being solicited in a manner that: (i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

Sec. 30-240. Prohibited Acts. The following will be construed as Prohibited Acts, and it shall be unlawful for any person to solicit money or other things of value or to solicit the sale of goods or services in the following manner:

(a) From any operator or passenger of a motor vehicle that is in traffic on a public street of highway or any other street open to the public when the soliciting person is standing on or goes into the street to solicit or to collect the donation; solicitation in exchange for cleaning the vehicle's windows, or for blocking, occupying, or reserving a public parking space, or directing the occupant to a public parking space, shall constitute solicitation, except that this paragraph shall not apply to services rendered in connection with emergency repairs; or

(b) At or within fifteen (15) feet of any entrance or exit of any bank during the hours of operation of such bank; or

(c) At or within fifteen (15) feet of any automated teller machine during the hours of operation of such automated teller machine; or

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(d) At or within twenty-five (25) feet of a line of persons in line to gain admission to a place or waiting to purchase an item or admission ticket; or

(e) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or

(f) In an aggressive manner in a public manner.

Sec. 30-241. Penalties. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.

Section 2. Severability: Should any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. This ordinance includes a penalty for its violation, and the Clerk is directed to cause the ordinance to be published one time immediately after its passage in some newspaper published in the town or posted at three or more public places in Town for one week in accordance with Section 19 of the town Charter, and this ordinance shall be effective upon completion of such publication or positing.

Mayor Wandrei adjourned the meeting at 7:24 p.m. until December 1, 2015, at 5:30 p.m. in the Council Hall.